

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division**

**[REDACTED], a minor, by her parents *
and next friends, SUSANNE ATWELL- *
KEISTER and BRET BAILEY, et al. *
5593 South Himalaya Way *
Centennial, CO 80015 ***

*Plaintiffs, **

v. *

**CAITLIN LEGROS, C.N.M., *
135 Warrington Drive *
Rochester, NY 14618 ***

**MERCY MEDICAL CENTER, INC., *
345 St. Paul Place *
Baltimore, MD 21202 ***

Civil Action No. _____

**MERCY HEALTH SERVICES, INC., *
345 St. Paul Place *
Baltimore, MD 21202 ***

*Removed from the Circuit Court
for Baltimore City
Case No. 24-C-18-000387*

**ST. PAUL PLACE SPECIALISTS, LLC, *
345 St. Paul Place *
Baltimore, MD 21202 ***

**KATHLEEN SLONE, C.N.M., *
7300 York Road *
Towson, MD 21204 ***

*Defendants. **

* * * * *

NOTICE OF REMOVAL

Pursuant to U.S.C. §§1331, 1441 and 1446, Defendant Caitlin Legros, C.N.M. (the
“Removing Defendant”) hereby gives notice of removal of this action from the Circuit

Court for Baltimore City, Maryland to the United States District Court for the District of Maryland. In support of this Notice, and reserving all rights, objections, defenses and exceptions to the extent required, the Removing Defendant states as follows:

I. Background and Parties

1. On or about January 25, 2018, Plaintiff [REDACTED], by and through her parents and next friends Susanne Atwell-Keister and Bret Bailey, filed a Complaint in the Circuit Court for Baltimore City, Maryland against the Removing Defendant and four other defendants, Mercy Medical Center, Inc., Mercy Health Services, Inc., St. Paul Place Specialists, LLC, and Kathleen Slone, C.N.M. (collectively, "Defendants").

2. Plaintiffs claim that Defendants were negligent in the birth and delivery of Plaintiff [REDACTED]. They further allege that, as a result of Defendants' alleged negligence, Ms. [REDACTED] suffered a severe brain injury, which resulted in, among other alleged injuries, past medical expenses, future medical expenses, the need for future medical services and equipment, mental anguish, loss of earnings loss of earning capacity, and permanent and irreversible brain damage.

3. Plaintiffs are citizens of the State of Colorado.

4. Removing Defendant, Caitlin Legros, C.N.M., is a resident and citizen of New York.

5. Mercy Medical Center, Inc., Mercy Health Services, Inc., and St. Paul Place Specialists, LLC are incorporated in Maryland, with their principal places of business in Baltimore, Maryland. Therefore, they are citizens of Maryland.

6. Defendant Kathleen Slone is a resident and citizen of Maryland.

7. Based on Plaintiffs' allegations, the Complaint seeks unspecified damages that will exceed \$75,000.

II. Diversity Jurisdiction Exists for Removal

8. The United States District Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332 because it is between Plaintiffs who are residents and citizens of one state, Colorado, and Defendants who reside or are incorporated in and are citizens of different states, New York and Maryland, and because the amount in controversy is greater than \$75,000, exclusive of interest and costs. This action could have originally been filed in this Court and is removable to this Court pursuant to 28 U.S.C. §1441.

III. Removal is Procedurally Proper

9. None of the Defendants have been served at the time of removal. Accordingly, this Notice of Removal is timely under 28 U.S.C. § 1446(b) and Removing Defendant has a statutory right to remove this case. *See Robertson v. Iuliano*, Civ. No. RDB 10-1319, 2011 WL 453618 (D. Md. Feb. 4, 2011); *Al-Ameri v. Johns Hopkins Hospital*, GLR-15-1163 (D. Md. June 24, 2015).

10. This action is being removed "to the district court of the United States for the district and division embracing the place where such action is pending" under 28 U.S.C. § 1441(a). The United States District Court for the District of Maryland, Northern Division embraces Baltimore City, Maryland. *See* 28 U.S.C. § 100(1).

11. Removing Defendant is filing written notice of this removal with the Clerk of the Circuit Court of Baltimore City pursuant to 28 U.S.C. § 1446(d). (*See* Exhibit 1, Notice of Filing of Notice of Removal.) A copy of Removing Defendant's Notice of

Filing of Notice of Removal, together with this Notice of Removal, are being served upon Plaintiffs pursuant to 28 U.S.C. § 1446(d).

12. Removing Defendant has not been served to date. As such, there are no “process, pleadings and orders” to attach pursuant to 28 U.S.C. § 1446.

WHEREFORE, Removing Defendant prays that this action be removed to this Court and that this Court accept jurisdiction of this matter, that this action be placed on the docket of this Court, and that no further proceeding shall be had in the Circuit Court for Baltimore City.

Respectfully submitted,

/s/ James D. Bragdon

Peter E. Keith

Federal Bar No. 01483

James D. Bragdon

Federal Bar No. 29724

Gallagher Evelius & Jones LLP

218 N. Charles Street, Suite 400

Baltimore MD 21201

Attorneys for Defendant

Caitlin Legros, C.N.M.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January, 2018, a copy of the foregoing Notice of Removal was served via ECF upon:

Bruce J. Babij, Esq.
George S. Tolley III, Esq.
Elisha N. Hawk, Esq.
Dugan, Babij, Tolley & Kohler, LLC
1966 Greenspring Drive, Suite 500
Timonium, MD 21093

Attorneys for Plaintiffs

Craig B. Merkle, Esq.
Goodell, DeVries, Leech & Dann, LLP
One South Street, 20th Floor
Baltimore, MD 21202

*Attorney for Mercy Medical Center, Inc.
St. Paul Place Specialists, LLC, Mercy
Health Services, Inc., and Kathleen Slone,
C.N.M.*

/s/ James D. Bragdon
James D. Bragdon (Federal Bar No. 27924)

IN THE CIRCUIT COURT FOR BALTIMORE CITY

[REDACTED], et al.

*

Plaintiffs,

*

v.

*

Case No. 24-C-18-000387

CAITLIN LEGROS, C.N.M., et al.,

*

Defendants.

*

* * * * *

TO: Clerk of the Court
Circuit Court for Baltimore City

NOTICE OF FILING OF NOTICE OF REMOVAL

PLEASE TAKE NOTICE that the Defendant Caitlin Legros, C.N.M., in the above captioned matter has filed a Notice of Removal, a copy of which is attached hereto, in the office of the Clerk of the United States District Court for the District of Maryland, Northern Division.

Pursuant to 28 U.S.C. § 1446(d), no other proceedings are to take place in the Circuit Court for Baltimore City unless further ordered.

Respectfully submitted,



Peter E. Keith
James D. Bragdon
Gallagher Evelius & Jones LLP
218 N. Charles Street, Suite 400
Baltimore MD 21201
(410) 727-7402
*Attorneys for Defendant Caitlin Legros,
C.N.M*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26th day of January, 2018, a copy of the foregoing Notice of Filing of Notice of Removal was served, via first-class mail, postage pre-paid, and hand delivery upon:

Bruce J. Babij, Esq.
George S. Tolley III, Esq.
Elisha N. Hawk, Esq.
Dugan, Babij, Tolley & Kohler, LLC
1966 Greenspring Drive, Suite 500
Timonium, MD 21093

Attorneys for Plaintiffs

Craig B. Merkle, Esq.
Goodell, DeVries, Leech & Dann, LLP
One South Street, 20th Floor
Baltimore, MD 21202

*Attorneys for Mercy Medical Center, Inc.
St. Paul Place Specialists, LLC, Mercy
Health Services, Inc., and Kathleen Slone,
C.N.M.*



James D. Bragdon